

1                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
2                                   **IN MEDICINE AND SURGERY**

**RECEIVED**  
JAN 25 2006  
AZ OSTEOPATHIC BOARD

3                   IN THE MATTER OF:

4                   **S. FOSTER EASLEY, D.O.**  
5                   Holder of License No. 3212

6                   For the practice of osteopathic medicine in the  
7                   State of Arizona

)   **Case No.: 3624**  
)

)   **CONSENT AGREEMENT TO FINDINGS**  
)   **OF FACT, CONCLUSIONS OF LAW AND**  
)   **PROBATIONARY ORDER**  
)

8                   \_\_\_\_\_  
9                   By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners  
10                  (hereafter "Board") and S. Foster Easley, D.O. (hereinafter "Respondent"), the parties hereto  
11                  agree to the following disposition to this matter.

12                  1.       Respondent acknowledges that he has read this Stipulation and the attached  
13                  Consent Order; and, Respondent is aware of and understands the content of these documents.

14                  2.       Respondent understands that by entering into this Stipulation, he voluntarily  
15                  relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek  
16                  judicial review of the Consent Order in state or federal court.

17                  3.       Respondent understands that this Stipulation and Consent Order will not become  
18                  effective unless signed by the Board's Executive Director.

19                  4.       Respondent further understands that this Consent Agreement to Findings of Fact  
20                  Conclusions of Law and Probationary Order (hereafter "Consent Agreement," once signed, shall  
21                  constitute a public record which will be disseminated as a formal action of the Board.

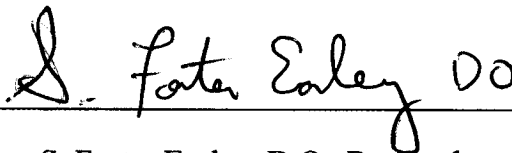
22                  5.       Respondent admits to the statement of facts and conclusions of law contained in  
23                  the Consent Agreement.

24                  6.       All admissions made by Respondent are solely for final disposition of this matter  
25                  and any subsequent administrative proceedings or litigation involving the Board, Respondent and

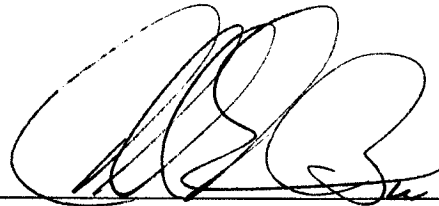
1 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any  
2 other purpose or administrative regulatory proceeding or litigation in another state or federal  
3 court.

4 7. Respondent acknowledges and agrees that upon signing and returning this  
5 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or  
6 amend this Consent Agreement or any part thereof, without first obtaining Board approval.

8 REVIEWED AND ACCEPTED this 20 day of January, 2006.

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11

12 S. Foster Easley, D.O., Respondent

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14

15 Charles E. Buri, Attorney for Respondent  
16

17  
18 **JURISDICTIONAL STATEMENTS**

19 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the  
20 licensing and practice of osteopathic medicine in Arizona.

21 2. The Board has the authority to summarily suspend an osteopathic license pursuant  
22 to A.R.S. §§ 32-1855 (C), 41-1064 (C) and 41-1092.11 (B) when the physician may not safely  
23 engage in the practice of medicine and is an immediate threat to the public's health, welfare and  
24 safety.

25 3. Respondent holds license No. 3212 to practice osteopathic medicine in Arizona.

4. Respondent is currently under probation dated March 2, 2001 for Case No. 2812.

## **FINDINGS OF FACT**

4. On March 21, 2001, Respondent was placed on Probation for a period of five (5) years. Under the terms of probation, the Respondent was required to submit to random biological fluid testing.

5. In addition, the Respondent was required to “. . . abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups).”

6. On October 19, 2005 as part of the random testing, Dr. Easley tested positive for alcohol. A subsequent ETG test confirmed the presence of alcohol in the random sample.

7. On October 20, 2005, the Respondent was ordered by the Board's Executive Director to submit for another random biological fluids test. The results of this random sample were negative for alcohol.

8. On November 9, 2005 the Board's Executive Director ordered the Respondent to  
 “. . . to obtain an assessment and evaluation for possible alcohol dependency with Dr. Michael  
 Sucher. . .”

9. On November 15, 2005 the Respondent was evaluated by Dr. Michel A. Sucher, M.D. for the purpose of a chemical dependency relapse evaluation.

10. Dr. Sucher's diagnostic impression and recommendations were made available to the Board for their subsequent review and consideration.

11. On November 22, 2005, the Board held an emergency public meeting to review and consider that allegations and facts in this matter. The Board voted to seek an inpatient evaluation at the Betty Ford Center Professional Evaluation Program to determine the Respondents current status. In addition, the Board requested and Respondent agreed to discontinue practice until such time as this matter was resolved.

1           12.     On December 8, 2005, the Board received the Preliminary Clinical Diagnostic  
2 Evaluation (CDE) Discharge Summary from the Betty Ford Center. The report provided their  
3 findings, recommendations, treatment recommendations and rationale, as well as their return to  
4 work recommendation.

5           13.     On December 10, 2005 the Board reviewed this matter at their regularly  
6 scheduled Board meeting. In the course of reviewing this matter, the Board found that the  
7 Respondent had violated the provisions of his probation by consuming alcohol.

8           14.     After reviewing all the facts, circumstances and testimony in this matter the Board  
9 unanimously voted to offer this consent agreement.

#### 10                               **CONCLUSIONS OF LAW**

11           1.     Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic  
12 Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

13           2.     The conduct and circumstances described in paragraphs 4 through 14 above  
14 constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

15                   (25)   Violating a formal order, probation or a stipulation issued by the Board  
16 under this chapter.”

#### 17                               **ORDER OF PROBATION**

#### 18                   **NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

19           Pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 3212 held by S.  
20 FOSTER EASLEY, D.O., (“Respondent”) shall be placed on PROBATION for a period of five  
21 (5) years with the following terms and conditions of probation as set forth herein: (Term of  
22 probation shall be in addition to that already in effect with Case #2812)

23           1.     Respondent shall enter and successfully complete an intensive-outpatient,  
24 psychiatric rehabilitation program for alcohol dependency for a minimum of six (6) months.  
25

1 Respondent will follow the recommendations for treatment and shall notify the Board of said  
2 recommendations.

3 a. Respondent will develop a plan for aftercare treatment and monitoring  
4 which shall include, but may not be limited to, individual and/or group counseling  
5 sessions, random body fluid testing, agreement for release of treatment records and  
6 reports to the Board, prohibition of the use of alcohol and controlled substances unless  
7 the latter is prescribed or coordinated by his treating physician, and regular meeting with  
8 the Board, and submit this plan to the Board for its approval.

9 b. The program in 1a shall be pre-approved by the Board's executive director  
10 and shall be submitted for approval within twenty (20) days of the effective date of this  
11 Order.

12 2. Respondent will sign a release authorizing personnel at any of the aforementioned  
13 treatment facilities and/or programs to inform the Board of his progress as to his in-patient or  
14 out-patient evaluation(s) and any in-patient or out-patient treatment program(s) and will provide  
15 the Board with a copy of any and all records pertinent to his diagnosis and treatment during this  
16 probationary period.

17 3. From the date of this Order, Respondent shall obtain psychiatric or psychological  
18 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is  
19 selected by Respondent and approved by the Board. Respondent shall comply with the therapist  
20 recommendation for the frequency of therapy treatment sessions. Respondent shall inform the  
21 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,  
22 Respondent shall undertake and fully cooperate with a program of treatment established by the  
23 therapist. In the event Respondent changes therapists, he shall give the Board written notice  
24 within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of  
25

1 psychotherapy sessions until he has submitted a written request to the Board and obtained Board  
2 approval.

3 4. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall  
4 cooperate with and disclose all relevant information in the Board's files concerning Respondent.  
5 The treating therapist shall be directed by Respondent to send to the Board a detailed written  
6 progress report every month for the remainder of the probation; and Respondent, shall waive any  
7 confidentiality concerning his psychotherapy in order that the Board may receive full disclosure  
8 of information. The expense of the aforementioned therapy and the reports to the Board by  
9 Respondent's therapist shall be the sole responsibility of the Respondent.

10 5. Respondent shall provide a copy of this Order and any subsequent Orders to all  
11 facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or  
12 subsequently receives) privileges to engage in the practice of medicine. Respondent shall  
13 provide a copy of this Order to all treating physicians, dentists and or health care professionals.  
14 Respondent shall continue to make the aforementioned disclosure and provide copies of this  
15 Consent Order until the expiration of this Order.

16 6. Respondent may have his license to practice as an osteopathic physician  
17 restricted, suspended or revoked by the Board in the future if:

18 (A) The Board finds that Respondent does not have the requisite mental, physical and  
19 emotional fitness to safely continue the practice of medicine; or,

20 (B) There are new grounds for finding unprofessional conduct concerning  
21 Respondent; or,

22 (C) The Respondent fails to comply fully with the terms and conditions of this Order.

23 7. Respondent shall abstain completely from the consumption of alcoholic beverages  
24 or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit  
25 drugs or take any controlled substances (i.e., prescription only drugs), unless his treating

1 physician prescribes such medication for him with the awareness that Respondent has a  
2 substance abuse disorder. Respondent shall maintain a monthly log (for the duration of  
3 probation) of all prescription only drugs taken by his and such log shall include the following  
4 information:

- 5 (a) the name of the medication;
- 6 (b) name of prescribing physician;
- 7 (c) reason for the medication.

8 At the first of each month, Respondent shall report by letter to the Board whether or not  
9 he is taking any prescription only medication and, if so, a copy of his log reflecting the above  
10 information.

11 8. Respondent shall also, as part of his probation: (A) submit to and cooperate in  
12 any independent medical or psychological evaluation that is ordered by the Board for  
13 Respondent and conducted by the Board's designated physician and/or psychologist which shall  
14 be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written  
15 or telephonic notification from the Board's executive director which shall be given at least five  
16 (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and  
17 promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for  
18 testing and said testing shall be done at the Respondent's expense.

19 9. Respondent shall participate in a minimum of three (3) self-help meetings per  
20 week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent  
21 shall keep a log of all meetings attended and have the log signed by the chairperson of the  
22 meeting. Respondent will provide the Board with a copy of the signed log the first of every  
23 month.

24 10. In the event Respondent moves and ceases to practice medicine in Arizona, he  
25 shall give written notice to the Board of his new residence address within twenty (20) days of

1 moving; and, the terms and duration of probation may be stayed by the Board until Respondent  
2 returns to practice medicine in Arizona.

3 11. Respondent shall reimburse the Board for all expenses associated with the  
4 continued monitoring of this matter.

5 12. Respondent shall continue to meet all licensing requirements such as continuing  
6 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-  
7 1825.

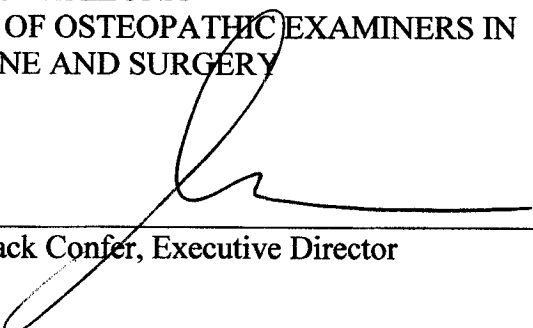
8 13. The Board's Executive Director shall send correspondence to the appropriate state  
9 and/or federal law enforcement agency disclosing information in the Board's possession which  
10 may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

11 14. Respondent's failure to comply with the requirements of this Order shall  
12 constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be  
13 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in  
14 the event that Respondent fails to comply with any of the requirements of this Order.



15 ISSUED THIS 26<sup>TH</sup> DAY OF JANUARY, 2006.

16 STATE OF ARIZONA  
17 BOARD OF OSTEOPATHIC EXAMINERS IN  
18 MEDICINE AND SURGERY

19 By:   
20 Jack Confer, Executive Director

21 Original "Consent Agreement to  
22 Findings of Fact, Conclusions of Law,  
23 and Probationary Order" filed this 26<sup>TH</sup>  
day of JANUARY, 2006 with the:

24 Arizona Board of Osteopathic Examiners  
25 In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539



1 Copy of the foregoing "Consent Agreement to  
2 Findings of Fact, Conclusions of Law,  
3 and Probationary Order" sent via certified,  
4 return receipt requested this 26<sup>th</sup>  
5 day of JANUARY, 2006 to:

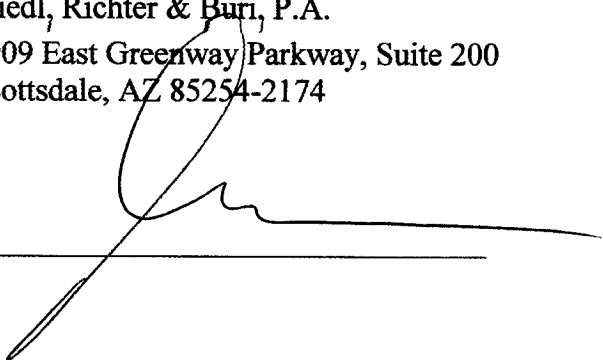
6 S. Foster Easley, III  
7 2930 North 29<sup>th</sup> Street  
8 Phoenix, AZ 85015

9 Copies of the foregoing "Consent Agreement to  
10 Findings of Fact, Conclusions of Law,  
11 and Probationary Order" sent via regular  
12 mail this 26<sup>th</sup> day of JANUARY, 2005 to:

13 Blair Driggs, AAG  
14 Office of the Attorney General CIV/LES  
15 1275 West Washington  
16 Phoenix AZ 85007

17 Charles E. Buri, Esquire  
18 Friedl, Richter & Buri, P.A.  
19 6909 East Greenway Parkway, Suite 200  
20 Scottsdale, AZ 85254-2174

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